

House Resolution 1714

By: Representative Franklin of the 43rd

A RESOLUTION

1 Bringing charges of impeachment against Shawn LaGrua; and for other purposes.

2 WHEREAS, Shawn LaGrua, who in her capacity as a legal services officer for the State of
3 Georgia, presently holds the title of Inspector General for the Office of the Secretary of State;
4 and

5 WHEREAS, in her conduct while in the capacities of Solicitor General of DeKalb County
6 and as the Legal Services Officer for the Secretary of State, she has violated her
7 constitutional oath to faithfully discharge her duties and, to the best of her ability, preserve,
8 protect, and defend the Constitution of the State of Georgia, and violated her constitutional
9 duty to take care that the laws be faithfully executed by committing the abuses of power set
10 forth in this resolution; and

11 WHEREAS, beginning on July 7, 2004, as a DeKalb County Assistant District Attorney,
12 Shawn LaGrua initiated a criminal investigation against a DeKalb County Solicitor's Office
13 investigator, Guy Antinozzi, without authorization to do so from District Attorney Brickman
14 or Chief Assistant District Attorney Petrey, as would be required of an officer sworn to
15 uphold their oath and obligations under O.C.G.A. Section 16-10-1 and other statutes; and

16 WHEREAS, from July 7 to July 13, 2004, Shawn LaGrua conducted said criminal
17 investigation against DeKalb Solicitor's Office investigator Guy Antinozzi without the
18 knowledge or approval of the Solicitor General of DeKalb County (pro tempore) Baig and
19 in violation of her oath and obligations under O.C.G.A. Section 16-10-1 and other statutes;
20 and

21 WHEREAS, from July 7 to July 13, 2004, Shawn LaGrua initiated surveillance of DeKalb
22 Solicitor's Office investigator Guy Antinozzi without the knowledge or approval of the
23 Solicitor General of DeKalb County (pro tempore) Baig and in violation of her oath and
24 obligations under O.C.G.A. Section 16-10-1 and other statutes; and

25 WHEREAS, the investigation initiated by Shawn LaGrua improperly alleged, in violation
26 of O.C.G.A. Section 16-10-20 and other statutes, that Guy Antinozzi was not authorized to
27 work a flex time schedule although he was authorized to work such a schedule by former
28 Solicitor General Gwen Keyes-Fleming; and

29 WHEREAS, the investigation initiated by Shawn LaGrua improperly alleged, in violation
30 of O.C.G.A. Section 16-10-20 and other statutes, that Guy Antinozzi did not enter the
31 number of hours worked correctly on his time sheet, although both his supervisor,
32 Ms. Petersen, and the Solicitor General's Legal Office Coordinator, Ms. Lindsey, confirmed
33 that he entered his time as instructed; and

34 WHEREAS, the investigation initiated by Shawn LaGrua improperly alleged, in violation
35 of O.C.G.A. Section 16-10-20 and other statutes, that Guy Antinozzi did not work the
36 number of hours per week that he entered on his time sheet, although all of his supervisors
37 confirmed that his work product and job performance excelled above and beyond what they
38 expected; and

39 WHEREAS, the investigation initiated by Shawn LaGrua improperly alleged, in violation
40 of O.C.G.A. Section 16-10-20 and other statutes, that Guy Antinozzi did not work 26.5 hours
41 during specific weekdays but failed to investigate and determine whether or not
42 Mr. Antinozzi worked flex time hours during that same period; and

43 WHEREAS, the Fulton County District Attorney's office investigation concluded that Shawn
44 LaGrua never confronted Mr. Antinozzi with the allegations raised in said criminal
45 investigation against him as would reasonably be expected of any officer sworn to uphold
46 their oath of office according to O.C.G.A. Section 16-10-20; and

47 WHEREAS, after becoming the Solicitor General of DeKalb County, Shawn LaGrua
48 terminated Guy Antinozzi as a result of the foregoing false allegations and in violation of
49 O.C.G.A. Section 16-10-20; and

50 WHEREAS, after becoming the Solicitor General of DeKalb County, Shawn LaGrua
51 terminated Guy Antinozzi as a result of the foregoing false allegations without ever
52 discussing concerns about his work performance or work schedule with any of his
53 supervisors and without regard to her obligations under O.C.G.A. Section 16-10-1, O.C.G.A.
54 Section 16-10-20, and other statutes; and

55 WHEREAS, her criminal investigation and action to terminate Mr. Antinozzi were
56 performed under false pretenses in violation of O.C.G.A. Section 16-10-20 and other statutes
57 in that they conflict with the statements of all witnesses who supervised Mr. Antinozzi
58 including those from Chief Investigator Heard who stated that "he always responded in a
59 timely manner" and Ms. Petersen who wrote "nothing supersedes the consistent and high
60 quality of work he is assigned"; and

61 WHEREAS, criminal allegations of deception in said investigation against Mr. Guy
62 Antinozzi are false and in violation of O.C.G.A. Section 16-10-20 and other statutes and
63 fail according to law because Mr. Antinozzi was not the beneficiary of any property as
64 required by O.C.G.A. Section 16-8-3 and O.C.G.A. Section 16-8-12(a)(3); and

65 WHEREAS, Shawn LaGrua conducted the criminal investigation against Guy Antinozzi
66 motivated by factors other than criminal conduct as indicated by the Fulton County District
67 Attorney investigation into her activities, and said investigation violated her oath of office
68 as prescribed by O.C.G.A. Section 16-10-1; and

69 WHEREAS, Shawn LaGrua had political motivation to conduct an improper investigation
70 in conflict with her oath of office as prescribed by O.C.G.A. Section 16-10-1 and other
71 statutes because Mr. Antinozzi worked for Gwen Keys-Fleming who resigned to run for the
72 office of District Attorney of DeKalb County against Mr. Brickman, Shawn LaGrua's
73 superior; and

74 WHEREAS, after becoming the Solicitor General of DeKalb County, Shawn LaGrua
75 terminated various other Domestic Violence Department employees on premises similar to
76 those used against Mr. Antinozzi and without regard to her obligations under O.C.G.A.
77 Section 16-10-1, O.C.G.A. Section 16-10-20, and other statutes; and

78 WHEREAS, Shawn LaGrua's office failed to determine in its investigation of State Election
79 Board Case No. 2008-000133 that her allegations of improper testing against voting machine
80 technician, Laura Gallegos, were not related to the inclusion of 947 test votes in actual 2008
81 Lowndes County election results as confirmed by state's witness James Long under oath in
82 cross examination at a January 14, 2010, administrative hearing in Valdosta; and

83 WHEREAS, Shawn LaGrua's office failed to investigate and identify in its December 10,
84 2008, report for State Election Board Case No. 2008-000133 who loaded the test votes into
85 the live election results on election night when Mrs. Gallegos was not present; and

86 WHEREAS, Shawn LaGrua's office failed to investigate and identify in its December 10,
87 2008, report for State Election Board Case No. 2008-000133 who failed to reconcile the total
88 number of votes cast from the statement of votes cast with the total number of voters from
89 the voter registration system to so that the voting discrepancy could have been detected prior
90 to certification; and

91 WHEREAS, Shawn LaGrua's office failed to consider in either or both State Election Board
92 Case No. 2008-000133 and State Election Board Case No. 2010-000007 the validity of Mrs.
93 Gallegos claims that the complaint letter submitted against her by Lowndes County
94 Supervisor, Deb Cox, was in retaliation for two letters of complaint that Mrs. Gallegos had
95 written to the Lowndes County Board of Elections charging verbal abuse against Mrs. Cox;
96 and

97 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report for the
98 above-cited case that voting machine technician, Laura Gallegos, failed to thoroughly test
99 machines used for absentee voting according to O.C.G.A. Section 21-2-379.7(b) when the
100 statute places the legal burden for such testing on the superintendent; and

101 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
102 voting machine technician, Laura Gallegos, failed to thoroughly test machines used for
103 absentee voting according to O.C.G.A. Section 21-2-379.7(b) although Deputy Inspector
104 General, Chris Harvey, admitted twice to the State Election Board in its June hearing that
105 Mrs. Gallegos followed her instructions accordingly; and

106 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
107 voting machine technician, Laura Gallegos, failed to thoroughly test machines used for
108 absentee voting according to O.C.G.A. Section 21-2-379.7(b) although state's witness,
109 Mr. James Long, acknowledged when interviewed during the investigation and at the
110 subsequent hearing that Mrs. Gallegos followed her instructions accordingly; and

111 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
112 voting machine technician, Laura Gallegos, failed to thoroughly test machines used for
113 absentee voting according to O.C.G.A. Section 21-2-379.7(b) when the manual testing
114 procedure steps 11-66 alleged not to be performed are not mandated by such Code section;
115 and

116 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
117 voting machine technician, Laura Gallegos, failed to thoroughly test machines used for
118 absentee voting according to O.C.G.A. Section 21-2-379.7(b) when the automatic testing
119 procedures that her office acknowledged as being performed meet the legal requirements of
120 such Code section; and

121 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
122 voting machine technician, Laura Gallegos, failed to thoroughly test machines according to
123 O.C.G.A. Section 21-2-379.7(b) while failing to determine that Lowndes County did not
124 require the alleged procedures to be performed; and

125 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
126 voting machine technician, Laura Gallegos, failed to thoroughly test machines used for
127 absentee voting according to O.C.G.A. Section 21-2-379.7(b) while failing to determine that
128 Mrs. Gallegos tested the machines in accordance with the testing instructions that she was
129 given by Lowndes County; and

130 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
131 voting machine technician, Laura Gallegos, failed to thoroughly test machines thus resulting
132 in 947 test votes being included in live election results while failing to determine that a
133 voting machine #17 malfunctioned, thus preventing any testing of the machine from being
134 completed; and

135 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
136 voting machine technician, Laura Gallegos, failed to thoroughly test machines thus resulting
137 in 947 test votes being included in live election results while failing to determine that the
138 discrepancy occurred when other individuals uploaded a memory card containing such test
139 votes and did not reconcile the statement of votes cast to the number of voters from the voter
140 registration system prior to certification as required by O.C.G.A. Section 21-2-493 and other
141 Code sections; and

142 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
143 Laura Gallegos failed to perform all state mandated procedures for manual logic and
144 accuracy testing according to according SEB Rule 183-1-12.02(3)(b)(1)(iii) when the
145 procedure steps 11-66 alleged not to be performed are not mandated by such rule; and

146 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
147 Laura Gallegos failed to perform all state mandated procedures for logic and accuracy testing
148 according SEB Rule 183-1-12.02(3)(b)(1)(iii) when the automatic testing procedures that her
149 office acknowledged as being performed meet the legal requirements of such State Election
150 Board rule; and

151 WHEREAS, Shawn LaGrua's office alleged in its December 10, 2008, report that voting
152 machine technician, Laura Gallegos, failed to perform all state mandated procedures for logic
153 and accuracy testing according SEB Rule 183-1-12.02(3)(b)(1)(iii) when the burden for
154 performing those procedures rests with the superintendent as required by the associated Code
155 section, O.C.G.A. Section 21-2-379.7(b); and

156 WHEREAS, Shawn LaGrua's office alleged in its December 10, 2008, report that Laura
157 Gallegos failed to perform all state mandated procedures for logic and accuracy testing
158 according to SEB Rule 183-1-12.02(3)(b)(1)(ii) although Deputy Inspector General, Chris
159 Harvey, admitted twice to the State Election Board in its June hearing that Mrs. Gallegos
160 followed her instructions accordingly; and

161 WHEREAS, Shawn LaGrua's office alleged in its December 10, 2008, report that Laura
162 Gallegos failed to perform all state mandated procedures for logic and accuracy testing
163 according to SEB Rule 183-1-12.02(3)(b)(1)(ii) although state's witness, Mr. James Long,
164 acknowledged when interviewed during the investigation and at the subsequent hearing that
165 Mrs. Gallegos followed her instructions accordingly; and

166 WHEREAS, Shawn LaGrua's office alleged in its December 10, 2008, report that Laura
167 Gallegos failed to perform all state mandated procedures for logic and accuracy testing
168 according to SEB Rule 183-1-12.02(3)(b)(1)(ii) while failing to determine that Lowndes
169 County procedures did not require the foregoing procedures to be performed; and

170 WHEREAS, Shawn LaGrua's office alleged in its December 10, 2008, report that Laura
171 Gallegos failed to perform all state mandated procedures for logic and accuracy testing
172 according to SEB Rule 183-1-12.02(3)(b)(1)(ii) while failing to determine that Mrs. Gallegos
173 never received any such procedures from Lowndes County; and

174 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
175 Laura Gallegos failed to perform all state mandated procedures for logic and accuracy testing
176 according to SEB Rule 183-1-12.02(3)(b)(1)(ii) while failing to determine that a voting

177 machine #17 malfunctioned, thus preventing any testing of the machine from being
178 completed; and

179 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
180 Laura Gallegos failed to perform all state mandated procedures for logic and accuracy testing
181 thus resulting in 947 test votes being included in actual election results while failing to
182 determine that the discrepancy occurred when other individuals uploaded a memory card
183 containing the said test votes and did not reconcile the statement of votes cast to the number
184 of voters from the voter registration system prior to certification as required by O.C.G.A.
185 Section 21-2-493 and other Code sections; and

186 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
187 Laura Gallegos failed to make a certification according to SEB Rule 183-1-12.02(3)(b)(1)(iii)
188 when the rule places the burden for such certification on the superintendent, not a voting
189 machine technician; and

190 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that
191 Laura Gallegos failed to make a certification according to SEB Rule 183-1-12.02(3)(b)(1)(iii)
192 although Deputy Inspector General, Chris Harvey, admitted twice to the State Election Board
193 in its June hearing that Mrs. Gallegos followed her instructions accordingly; and

194 WHEREAS, Shawn LaGrua had political motivation to charge Mrs. Gallegos and not
195 investigate Lowndes County supervisor, Deb Cox, as required by her oath and duties under
196 O.C.G.A. Section 16-10-1, O.C.G.A. Section 16-10-20, and other Code sections since
197 Mrs. Cox was well acquainted with Shawn LaGrua's superior, Secretary of State Karen
198 Handel; and

199 WHEREAS, Shawn LaGrua failed in State Election Board case No. 2008-00133 to
200 investigate and refer to the Attorney General's office the Lowndes County Board of Elections
201 for improperly certifying the results of the 2008 Lowndes County elections according to
202 O.C.G.A. Section 21-2-497 and other Code sections; and

203 WHEREAS, Shawn LaGrua failed in State Election Board case No. 2008-00133 to
204 investigate and refer to the Attorney General's office Lowndes County Elections Supervisor
205 Deb Cox for improperly certifying the results of the 2008 Lowndes County elections
206 according to O.C.G.A. Section 21-2-497 and other Code sections; and

207 WHEREAS, Shawn LaGrua failed in State Election Board case No. 2008-00133 to
208 investigate and refer to the Attorney General's office the Lowndes County Board of Elections
209 for failing to reconcile the statement of votes cast to the number of voters from the voter
210 registration system prior to certification as required by O.C.G.A. Section 21-2-493(b) and
211 other Code sections; and

212 WHEREAS, Shawn LaGrua failed in State Election Board case No. 2008-00133 to
213 investigate and refer to the Attorney General's office the Lowndes County Elections
214 Supervisor, Deb Cox, for failing to reconcile the statement of votes cast to the number of
215 voters from the voter registration system prior to certification as required by O.C.G.A.
216 Section 21-2-493(b) and other Code sections; and

217 WHEREAS, Shawn LaGrua failed to investigate and refer Lowndes County Supervisor Deb
218 Cox as part of State Election Board case No. 2010-0007 for failing to administer the correct
219 custodian oath according to O.C.G.A. Section 21-2-327(b) as previously found by Judge
220 John Gatto in a January 14, 2010, hearing in Valdosta, Georgia; and

221 WHEREAS, Shawn LaGrua failed to investigate and refer Lowndes County Supervisor Deb
222 Cox as part of State Election Board case No. 2010-0007 for failing to administer the correct
223 custodian oath according to SEB Rule 183-1-12.02(2)(g)(1) as previously found by Judge
224 John Gatto in a January 14, 2010, hearing in Valdosta, Georgia; and

225 WHEREAS, Shawn LaGrua failed to investigate and determine after the aforesaid ruling and
226 as part of State Election Board case No. 2010-0007 if other Lowndes County elections
227 personnel were administered the correct custodian oath as prescribed by O.C.G.A.
228 Section 21-2-327(b); and

229 WHEREAS, Shawn LaGrua failed to investigate and determine after the aforesaid ruling and
230 as part of State Election Board case No. 2010-0007 if other Lowndes County elections
231 personnel were administered the correct oaths as prescribed by O.C.G.A. Section 21-2-492,
232 O.C.G.A. Section 21-2-584, and other statutes; and

233 WHEREAS, Shawn LaGrua failed at the February 2010 State Election Board meeting to
234 investigate and report on the allegations made by Laura Gallegos in State Election Board
235 case No. 2010-00007 against her supervisor, Deb Cox, in the December 2009 letter Mrs.
236 Gallegos sent to the State Elections Board; and

237 WHEREAS, Shawn LaGrua failed in both of the investigations cited above to investigate and
238 determine whether or not the Lowndes County supervisor established proper procedures for
239 logic and accuracy testing of voting machines used in Lowndes County as required by
240 O.C.G.A. Section 21-2-379.7(b); and

241 WHEREAS, Shawn LaGrua failed in both of the investigations cited above to investigate and
242 determine whether or not the Lowndes County supervisor established proper procedures for
243 logic and accuracy testing of voting machines used in Lowndes County as required by State
244 Election Board Rule 183-1-12.02(2)(g)(1); and

245 WHEREAS, Shawn LaGrua failed in both of the investigations cited above to investigate and
246 determine whether or not the Lowndes County supervisor distributed proper procedures for
247 logic and accuracy testing of voting machines used in Lowndes County to voting machine
248 technicians as required by O.C.G.A. Section 21-2-379.7(b); and

249 WHEREAS, Shawn LaGrua failed in both of the investigations cited above to investigate and
250 determine whether or not the Lowndes County supervisor took the necessary steps to ensure
251 that proper procedures for logic and accuracy testing of voting machines were being
252 conducted in Lowndes County as required by O.C.G.A. Section 21-2-379.7(b); and

253 WHEREAS, Shawn LaGrua failed in both of the investigations cited above to investigate and
254 determine why the Lowndes County supervisor did not ensure that certification paperwork
255 alleged to be incomplete in State Election Board Case No. 2008-00133 was not completed
256 in a timely manner as required by O.C.G.A. Section 21-2-379.7(b); and

257 WHEREAS, Shawn LaGrua failed in either or both of the investigations cited above to
258 determine whether or not the First Christian Church precinct in Lowndes County was
259 properly equipped as required by law O.C.G.A. Section 21-2-323(b), O.C.G.A.
260 Section 21-2-596, and other Code sections; and

261 WHEREAS, Shawn LaGrua failed in either or both of the investigations cited above to
262 determine whether or not Lowndes County Elections Supervisor Deb Cox or other Lowndes
263 County Elections personnel were in violation of O.C.G.A. Section 21-2-596 as a result of
264 actions cited in the foregoing paragraphs; and

265 WHEREAS, Shawn LaGrua opened an investigation into the 2005 Cobb Special Purpose
266 Local Option Sales Tax (SPLOST) referendum based on complaints of discrepancies

267 received at a January, 2009, State Election Board meeting, but never contacted the party
268 complaining of those discrepancies to gather information and subsequently recommended
269 that the investigation be closed without ever determining the reasons why the discrepancies
270 occurred and whether or not all other discrepancies had been identified, thus failing to fulfill
271 her oath of office as required by O.C.G.A. Section 16-10-1; and

272 WHEREAS, Shawn LaGrua replied that her office could not locate a complaint letter
273 forwarded to her by the Elections Director in January, 2009, after her office confirmed
274 several times that it was received; and

275 WHEREAS, Shawn LaGrua falsely claimed at a December, 2009, State Election Board
276 meeting that Jeff Rayno "submitted petitions that contained forged signatures" in disregard
277 of her obligations under O.C.G.A. Section 16-10-20 and the Sixth Amendment of
278 Constitution of the United States; and

279 WHEREAS, Shawn LaGrua recommended at such December, 2009, State Election Board
280 meeting that Jeff Rayno be referred for a felony investigation involving forged petition
281 signatures but was unable to produce a signature that Mr. Rayno allegedly forged in
282 accordance with her obligations under O.C.G.A. Section 16-10-20 and the Sixth Amendment
283 of Constitution of the United States; and

284 WHEREAS, the foregoing articles demonstrate a misfeasance of duties that are contrary to
285 Georgia law including, but not limited to, O.C.G.A. Section 16-10-1, O.C.G.A.
286 Section 16-10-20, and other statutes and demonstrate that Shawn LaGrua is thereby
287 unqualified to hold any public office; and

288 WHEREAS, the foregoing articles demonstrate a systemic malfeasance of governmental
289 offices in the wrongful and injurious exercise of lawful authority that violate the public trust
290 and demonstrate that Shawn LaGrua is thereby unqualified to hold any public office; and

291 WHEREAS, Article III, Section VII, Paragraph I of the Constitution provides that the House
292 of Representatives shall have the sole power to vote impeachment charges against any
293 executive or judicial officer of this state.

294 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
295 this body upon adoption of this resolution and articles of impeachment does hereby bring
296 charges of impeachment against Shawn LaGrua.

297 BE IT FURTHER RESOLVED that the Speaker of the House of Representatives is
298 authorized and directed to appoint Managers of the charges of impeachment from the
299 membership of the House of Representatives.

300 BE IT FURTHER RESOLVED that the Managers appointed by the Speaker of the House
301 of Representatives are authorized and directed to transmit this resolution and the articles of
302 impeachment to the Senate.